

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Benjamin Chain

Application No.: 09/731,899

Confirmation No.: 1183

Filed: December 8, 2000

Art Unit: 1645

For: **CHIMERIC PEPTIDES AS IMMUNOGENS,
ANTIBODIES THERETO, AND METHODS
FOR IMMUNIZATION USING CHIMERIC
PEPTIDES OR ANTIBODIES**

Examiner: Rodney P. Swartz

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant's Information Disclosure Statement (IDS) that was filed on May 25, 2010 ("the May 25 IDS"), section 5, indicated other information was being provided for the examiner's consideration, in the form of an English translation of an Official Action mailed April 6, 2010 in counterpart Japanese Application No. 2001-54360.

It has come to the attention of Applicant's representative that the aforementioned English translation of the Official Action issued in the counterpart Japanese Application was not included with the May 25 IDS, due to an inadvertent oversight on the part of Applicant's representative.

A copy of the aforementioned English translation of the Official Action issued in the counterpart Japanese Application is therefore provided for the examiner's consideration, herewith.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed: (Check one of the boxes A-D)

- ☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above identified national application
- ☐ B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- ☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- ☐ i. Counsel states that, upon information and belief, each item of information listed herein was (check one of boxes (a) or (b))
- ☐ (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ ii. A check for the fee set forth in 1. 17(p), presently believed to be \$180, is enclosed.
- ☒ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. Under 37 CFR 1.17(i) a payment in the amount of \$180.00 is submitted. Counsel certifies that, upon information and belief, each item of information listed herein was

(check one of the boxes "a" and "b" below:)

- ☒ (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art.

Unless other-wise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Early and favorable consideration is earnestly solicited.

The Commissioner is authorized to charge any deficiency of credit any excess in fees to Deposit Account No. 06-1050.

Dated: May 26, 2010

Respectfully submitted,

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